

ANNUAL REPORT  
OF THE  
PROBATE CODE STUDY COMMISSION



Indiana Legislative Services Agency  
200 W. Washington Street, Suite 301  
Indianapolis, Indiana 46204

October, 2012

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# **PROBATE CODE STUDY COMMISSION**

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### **Staff**

**Ross Hooten  
Attorney for the Commission**

**Anne Haley  
Attorney for the Commission**

**Jessica Harmon  
Fiscal Analyst for the Commission**

A copy of this report is available on the Internet. Reports, minutes, and notices are organized by committee. This report and other documents for this Committee can be accessed from the General Assembly Homepage at <http://www.in.gov/legislative/>.

## **I. STATUTORY DIRECTIVE**

The Indiana General Assembly enacted legislation directing the Commission to study and recommend to the General Assembly needed changes in the following:

- (1) The probate code (IC 29-1).
- (2) The trust code (IC 30-4).
- (3) Other statutes affecting the administration of a decedent's estate, guardianships, probate jurisdiction, trusts, or fiduciaries.

## **II. SUMMARY OF WORK PROGRAM**

The Commission met three times during the 2012 interim session on the following dates:

- (1) October 2 to receive the 2012 legislative proposals of the Probate, Trust and Real Property Section of the Indiana State Bar Association.
- (2) October 9 to discuss the proposals received on October 2, and to consider recommending preliminary drafts contained in the proposals.
- (3) October 17 to discuss the proposals received on October 2, to consider recommending preliminary drafts contained in the proposals, and to receive a report from the Indiana Adult Guardianship State Task Force.

## **III. COMMISSION RECOMMENDATIONS**

The Commission recommended the following Preliminary Drafts:

PD 3188 (concerning estate lawyer duties)  
PD 3196 (concerning surrogate attorneys)  
PD 3197 (concerning personal representatives)  
PD 3199 (concerning preparation of inventory)  
PD 3200 (concerning guardianships)  
PD 3202 (concerning trust construction)  
PD 3203 (concerning matrimonial trusts)  
PD 3305, as amended (concerning property tax deductions)  
Note: PD 3341, which is an attachment to the October 17 meeting minutes, contains PD 3305 as amended.  
PD 3323, as amended (concerning probate court authority)

The Commission made the following recommendation:

"The Probate Code Study Commission strongly recommends that the General Assembly enact additional tools to improve compliance with small estate affidavits and other fiduciary instructions."

The Commission is not required to file a final report.

Meeting minutes for the Commission can be accessed from the General Assembly Homepage at <http://www.in.gov/legislative/>